

EDGEFIELD COUNTY COUNCIL MEETING
October 2, 2007

The regular meeting of the Edgefield County Council was held at 6:00 P. M. Tuesday, October 2, 2007, in the County Council Chambers, 225 Jeter Street, Edgefield, SC.

Members present

C. Monroe Kneece, Chairman
Willie C. Bright, Vice Chairman
Norman Dorn, Councilman
Joel D. Hudson, Councilman
B. Everette Kitchens, Councilman

Others present:

John W. Pettigrew, Jr., County Administrator
John F. Byrd, Jr., County Attorney
Lynn Strom, Finance/Budget Manager
Barbara R. Stark, Clerk to Council
and others as per list attached

The meeting was called to order by Chairman Kneece and the invocation was given by Councilman Hudson. The Pledge of Allegiance was recited.

Minutes

The motion to approve the September 4, 2007 Minutes of the Regular County Council Meeting, as presented, was made by Councilman Bright, seconded by Councilman Kitchens. The motion carried unanimously.

Reports

Councilman Kitchens asked if council would address Report Number 3 concerning the fire at the Neighborhood Center. Council received correspondence from Mr. John Jervey (SC Counties Property & Liability Trust) offering a replacement cost of the building or the county to make a counter proposal. Mr. Kitchens asked that council go in executive session at the end of the meeting to discuss the insurance offer.

Motion to move further discussion of the replacement of the building that burned to the end of the meeting in executive session, was made by Councilman Bright, seconded by Councilman Kitchens. Motion carried unanimously.

Ordinances

Ordinance No. 07-08-592 (**Nuisance Ordinance**), "An Ordinance Amending Edgefield County Ordinance 94-95-323, Title IX, Chapter 91, An Ordinance Authorizing Counties, Pursuant to SC Code of Laws, Section 4-9-25, to Enact Ordinances to Protect and Promote the Health, Security, General Welfare, and Safety of Counties or for Preserving

EDGEFIELD COUNTY COUNCIL MEETING
October 2, 2007

Health, Peace, Order, and Good Government in Them and/or for the Citizens in Them” was before council for first reading.

Councilman Hudson stated he understood the work that had gone into this ordinance but there are things in it that he could not vote for. Mr. Hudson feels that some of the wording indicates anyone within or outside of the county could ride through an area and file a complaint. He expressed that the person complaining about the nuisance should have to live in the same area. Chairman Kneece stated that any changes could be made at second or third reading.

Councilman Dorn made the motion to accept first reading and work on some of the areas of the ordinance, seconded by Councilman Bright. Motion carried with Councilman Hudson opposing.

Resolutions

Consideration of Resolution No. 07-08-302, “A Resolution Declaring the Month of October 2007 as Gang Awareness Month in Edgefield County in Order to Raise Public Awareness of this Increasing Problem.” Motion was made by Councilman Hudson, seconded by Councilman Bright, to approve Resolution No. 07-08-302. Motion carried unanimously.

New Business

Millage rate

The Edgefield County Auditor, Bill Gilchrist, presented the millage rate for the current year. County operations seventy one (71) mills; county debt service five (5) mills; industrial development 0.83 mills; recreation 3.15 mills; EMS 9.6 mills; hospital operations 6.5 mills; fire district ten (10) mills. That is a total of 106.08 for 2007 on what this council governs. Last year that millage rate was 109.10. That is down 3.02 mills from 2006 to 2007.

The school’s millage rate will be 198.94 for operating and bonds. The operating levy will be 175.44; bonds will be 23.5. The bond millage rate came down 2.2 mills. The school district was fortunate enough to get some South Carolina Education Act money which was forwarded to Arlene Traxler (Treasurer). That money has to be used to roll back the millage.

As far as the county and the schools combined there will be an increase of 0.22 of a mill. Basically, on a \$200,000 house that is an increase of about \$1.76. The portion the county was down 3.02 while the school net increase was 3.24. The difference in those will be the increase overall on the tax bill.

Calculation will begin Friday. As council knows, with the school operating being a

EDGEFIELD COUNTY COUNCIL MEETING
October 2, 2007

credit this year on the residential tax bill, it will take a little extra time. Hopefully the books will be open by October 21st or 22nd. It will be something different to look at – good for the homeowner in the residential part of the tax bill. There have been many telephone calls and office visits (no cars, no trucks, no campers, no second homes) all the property is residential which is taxed at a four percent (4%) rate. Right now, the additional savings in this county will be about 1.8 million dollars to the residential home owner. Of course, as people move into their homes for the 2007 year and they can get owner-occupied, then that is going to add to that number. This is going to be a tremendous savings.

The next question will be “Where is the money coming from for the schools?” and of course, sales tax increase will began in June 2007 and that will help pick up the tab. Hope the economy stays good.

Councilman Hudson asked about the 106.8 total for the county; that is what the primary residential is going to be taxed. (The school bond, not the operating, will go on to that millage rate as well.) The 23.50 will also be on the 106.8. (The school bond only involves the school operating millage.) Last year the total millage rate was 304.8. The school operating millage last year was 170. The school bond blended with the county portion of the tax bill, total millage rate will be 129.02. The credit for 4% property will be on the school operating millage only.

The auditor shared some other topics of interest with the utilities certification for this year. There is over a \$200,000 gain in assessed value with Aiken Electric Coop. This has not been seen in many years, but it gives an idea of the residential growth. The gas lines that are been inserted at the lower end of the county will go on the tax rolls once they become active.

Motion made by Councilman Bright, seconded by Councilman Dorn, to accept the auditor’s presentation concerning the millage. Motion carried unanimously.

Guidelines / Courtroom

Shirley Newby, Edgefield County Clerk of Court, asked council for its support on guidelines for after-hour use of the main courtroom. She stated that these guidelines derived from the Chief Justice. The Chief Justice stated that “After-hour access to the facility should be limited and supervised.” The security measures are as follows:

Operating hours of the Courthouse are from 8:30am – 5:00pm, Monday-Friday. Anyone requesting use of the courtroom after operating hours must provide security. Security personnel who are trained and qualified in court security (including the use of force and weapon) should be hired or used for this purpose, such as an off-duty deputy. The “best practices” would ensure that court users are provided safe, functional, dignified, and accessible court facilities.

EDGEFIELD COUNTY COUNCIL MEETING
October 2, 2007

The key may be picked up the day of the meeting, and signed for at the governmental building. The key must be brought back the day after use. If this occurs over the weekend they key can be picked up on Friday and returned on Monday.

Under this policy law enforcement would also have eyes and ears in the courtroom. Should something happen they are trained and they know what to do.

Mrs. Newby was asked what responsibility would the person have that is responsible for the key. She stated they would have to have someone for security. There is no charge for the use of the courtroom but the individual(s) would have to ensure that they provide security. She also stated that she has talked with law enforcement (they are beside the courthouse) and if they saw them and there was no security.....what she has normally done is stay because she feels uncomfortable – anything could happen with the use of the courtroom. The courtroom should be used when it is requested but also should have qualified people that know what to do should a bad situation occur.

Councilman Dorn made the motion, seconded by Councilman Hudson, to accept the security measures requested by the Clerk of Court, Mrs. Newby. Motion carried unanimously.

Water & Sewer Authority Board appointments

Currently there are two vacancies on the Water & Sewer Authority Board. The Board recommended to council Carroll Burnett and Ernest (Bubba) Bryan to serve on this board, one filling the unexpired term of John Sullivan and one to serve a full term of six years. Mr. Kirk Thomas completed an unexpired six year term. Council recommends appointments to this board to the House Delegation and the delegation recommends to the Governor for the appointment.

Councilman Kitchens and Councilman Dorn each recommended an individual from their area. Mr. Kitchens stated that persons should be appointed that are going to help or at least interested in promoting water lines in Edgefield County.

Mr. Kitchens asked that Ronnie Creswell be considered. He has an electrical engineering background and also knows the computer well. Mr. Creswell lives in an area where there is no running water and when constructing his house about a year ago he had to dig two wells – getting about three gallons a minute.

Councilman Dorn submitted the name of Frank Dorn (no relation) from his area. Frank Dorn called Councilman Dorn several times asking to be considered for the Water & Sewer Authority Board. Ernest (Bubba) Bryan also resides in Councilman Dorn's district and he has no problem with Mr. Bryan but Frank Dorn has spoken with Councilman Dorn concerning serving on the board.

EDGEFIELD COUNTY COUNCIL MEETING
October 2, 2007

Motion was made by Councilman Kitchens, seconded by Councilman Dorn, to recommend Frank Dorn to serve the unexpired term of John Sullivan and Ronnie Creswell to serve a six year term on the EC Water & Sewer Authority Board. Motion carried unanimously.

Guidelines / Concession Trailer

The Recreation Committee considered the guidelines for the use of the concession trailer and approved recommending them to council for their approval or disapproval. The suggestion (by council) was made to insert in Number 4 “who will sign as being responsible for the trailer.” Motion was made by Councilman Hudson, seconded by Councilman Dorn, to include in Number 4 of the concession trailer guidelines “who will sign as being responsible for the trailer.” Motion carried unanimously.

Employee Training & County Reimbursement

The consensus of this is Edgefield County employees receive training/certification at the expense of the county. In some cases after the certification process the employee will leave for employment elsewhere. The chairman asked for a motion to include in the Edgefield County Rules, Policies and Procedures Handbook under miscellaneous information that should an employee leave employment with the county within two (2) years of the completion of said training, the employee shall reimburse the county on a pro rata basis the cost of such training. The motion was made by Councilman Hudson, seconded by Councilman Kitchens and the motion carried unanimously.

Requests by Councilman Dorn

Councilman Dorn asked for two items to be placed on the October agenda.

(1) **Clarification of speaking time limit by citizens.** This was discussed at the beginning of the meeting when the chairman asked for comments from the public concerning the nuisance ordinance, and the time limit would be three minutes. Mr. Dorn’s referred to the time limit passed by council in an ordinance. Should the three minutes go pass that a minute or two is no problem but not for forty five (45) minutes.

(2) **Report concerning the closing of magistrate office during lunch.** Councilman Dorn brought this concern to council at its September 4th meeting. He had observed previously the magistrate’s office being closed during lunch hour occasionally and felt this was not fair to the taxpayers. Chief Magistrate Parkman was present for October 2nd council and presented to council members an Order the Chief Justice sent to all magistrates. He highlighted Number 10, which reads as follows:

Designate the hours of operation of each magistrate’s court office in the county, and designate the hours during which each magistrate shall be present in the office, based upon the number of hours fixed for each magistrate by the county governing body.

EDGEFIELD COUNTY COUNCIL MEETING
October 2, 2007

Councilman Dorn questioned Judge Parkman as to whether he felt he could open or close the office whenever he wanted to.

Old Business

The chairman stated that Sheriff Dobey was to be present concerning the hiring of two new deputies, but was unable to attend. The sheriff had applied for a grant to fund four new positions but did not receive the grant. There was enough money budgeted as grant match and vehicles to cover the cost of two deputies and two new cars. The cost for the two deputies and cars is \$117,482 for the remainder of the fiscal year. Motion was made by Councilman Hudson, seconded by Councilman Dorn, to approve two deputies for the sheriff's department. Motion carried unanimously.

Administrator's Report

Still getting positive feedback from Project Normandy and very hopeful to have an announcement next month.

The partnership that Edgefield County is part of (Aiken-Edgefield Economic Development) will have their annual meeting Tuesday, October 9th, at 5:30.

Vision 20/20 Strategic Planning session was held last night (Monday, Oct. 1st). There were several council members in attendance. This process is helping to plan the future direction of the county. The panels are divided into three different segments: economic development, education, and quality of life. The next meeting will be held Monday, Oct 15th, 6:30 pm at JET Middle School.

Monday, Oct. 1st, 911 dispatch and 911 administration and other staff met with AT&T and computer personnel concerning upgrades to our 911 system. The hardware and software are five years old and newer equipment will help with quicker response time. Hopefully figures will have been received by the November council meeting.

No guests.

Public Comments

Mr. Gary Schaefer signed to address council but declined.

Claims approved as follows:

PAYROLL:	8/27/07 thru 9/9/07	
Regular.....		\$217,494.50
PAYROLL:	9/10/07 thru 9/23/07	
Regular.....		\$215,747.18
General Operating.....		\$757,708.42

EDGEFIELD COUNTY COUNCIL MEETING
October 2, 2007

Executive Session

The motion to go in executive session was made by Councilman Bright to discuss information from the SC Counties Property & Liability Trust concerning replacement of building destroyed by fire, returning to regular session at the discretion of the chairman.

Returning to regular session, the chairman announced a counter proposal of \$734,748 to be submitted to the insurance company for construction of a new building.

Motion to adjourn was made by Councilman Dorn, seconded by Councilman Bright. Motion carried unanimously. The next regular scheduled meeting of council will be held at 6:00 P. M. Tuesday, November 6, 2007, in the County Council Chambers, 225 Jeter Street, Edgefield.

C. Monroe Kneece, Chairman

Willie C. Bright, Vice Chairman

Norman Dorn, Councilman

Joel D. Hudson, Councilman

B. Everette Kitchens, Councilman

ATTEST

Barbara R. Stark, Clerk to Council

Nuisance Ordinance

Objections by Councilman Hudson.

I understand the people who worked on this worked hard, I understand that. There are several things in here that there is no way I can vote for. One thing is that it needs to specify neighborhoods other than – well it needs to specify a little better than neighborhood. Also it has here, like I said, I am all for a nuisance ordinance – I think we need one, but I don't think one person riding - one person that doesn't even have to live in the vicinity of someone can come along and file a complaint on someone. Someone from Aiken County, according to this, could ride by my house and say I don't like that and I am going to request a complaint, I have a complaint and I would have to deal with that complaint. I just don't see that we can have that.

I can go with the three people within a 1,000 feet of each other because that is effecting that person and their property value, but just anybody any single person being able to make a complaint. I rode down Hwy. 19 coming here from work and I saw several houses I could have just road along – I don't live anywhere near them and I could have said this house here they have made a cement block pump house. Some of the blocks are green and some of the blocks are white. They might not could have afforded anything any different. They don't live in a sub-division. They don't have a conveyance to go by but yet I could file a complaint about that. If their neighbors want to complain, o.k. and maybe they could go to talk with them and maybe even get together and paint the house, but not anyone from that isn't from that area. **That part should be taken out. I will not vote on it as long as that is in there.**

This is set up to – we will be sitting here in county council and deciding whether so and so needs something done to his property and it is going to be a lot of that.

Mr. Kneece stated he felt there would be several changes, that is why there are three readings.

Councilman Hudson: There is one section in the ordinance stating “**any unreasonable loud or disturbing noise that causes material, physical or mental discomfort or injury to persons or**” Right off the bat we have already had a complaint and I don't know how we are going to go up and stop this Force Protection that's doing the testing. This would have us sitting here discussing with them and people complaining. I know we have to have one (nuisance ordinance) and I agree but it has to be something that is not detrimental to people's property and people just putting trash out – I don't how we are going to do it but there are several things here that has to come out.